

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

K.L., individually and on behalf of M.L., a child
with a disability,

Plaintiffs,

DECLARATION

-against-

Case No. 12 Civ. 6313

WARWICK VALLEY CENTRAL SCHOOL DISTRICT,

Defendant.

JASON H. STERNE, declares and states as follows:

1. I am an attorney duly admitted to the Bar of this Court, and I am counsel for plaintiff. I make this declaration from personal knowledge, and I submit this affidavit in support of plaintiff's motion for attorneys' fees.

2. Plaintiff requests reasonable attorneys' fees, costs and disbursements pursuant to 20 U.S.C. § 1415(i)(3)(B).

3. An accurate description of my time entries on this matter is detailed in the itemization attached to the declaration of Andrew K. Cuddy.

HOURLY RATE

4. My education is as follows: B.A., Temple University, 1993; J.D., *cum laude*, State University of New York at Buffalo, 1996; Best Brief, Desmond Moot Court Competition, 1995; Senior Member, Buffalo Moot Court Board and Jessup International Law Moot Court Board; Birzon Prize for Clinical Legal Studies.

5. I am admitted in New York State, the Western District of New York, the Northern District of New York, and the Southern District of New York.

6. My reported decisions include: *Vanburen v. Williamsville Cent. School Dist.*, 96 A.D.3d 1443, 945 N.Y.S.2d 894 (4th Dept. 2012); *C.G. v. Ithaca City School Dist.*, 2012 WL 4363738 (N.D.N.Y. 2012); *V.G. v. Auburn Enlarged Cent. School Dist.*, 349 Fed.Appx. 582 (2nd Cir. 2009); *S.M. v. Taconic Hills Cent. School Dist.*, 2012 WL 3929889 (N.D.N.Y. 2012); *M.C. v. Lake George Cent. School Dist.*, 2012 WL 3886159 (N.D.N.Y. 2012); *D.G. v. Cooperstown Cent. School Dist.*, 2010 WL 4269127 (N.D.N.Y. 2010); *N.C. v. Oneida City School Dist.*, 2010 WL 3981823 (N.D.N.Y. 2010); *C.B. v. Pittsford Cent. School Dist.*, 2010 WL 1533392 (W.D.N.Y. 2010); *J.M. v. Allegany-Limestone Cent. School Dist.*, 2009 WL 3191442 (W.D.N.Y. 2009); *C.B. v. Pittsford Cent. School Dist.*, 2009 WL 2991564 (W.D.N.Y. 2009); *B.R. v. Lake Placid Central School Dist.*, 2009 WL 667453 (N.D.N.Y. 2009); *V.G. v. Auburn Enlarged Cent. School Dist.*, 2008 WL 5191703 (N.D.N.Y. 2008); *J.S. v. North Colonie Cent. School Dist.*, 586 F.Supp.2d 74, 239 Ed. Law Rep. 971 (N.D.N.Y. 2008); *J.N. v. Depew Union Free School Dist.*, 2008 WL 4501940 (W.D.N.Y. 2008); *H.C. v. Colton-Pierrepont Central School Dist.*, 567 F.Supp.2d 340, 236 Ed. Law Rep. 661 (N.D.N.Y. 2008); *M.V. v. Shenendehowa Cent. Sch. Dist.*, 2008 WL 53181 (N.D.N.Y. 2008); *J.S. v. Crown Point Cent. Sch. Dist.*, 2007 WL 475418 (N.D.N.Y. 2007); *Brown v. Barron*, 23 A.D.3d 1125 (4th Dept. 2005); *Cooper v. Sonwil Dist. Ctr.*, 15 A.D.3d 878 (4th Dept. 2005); *Partridge v. Waterloo Central School District*, 12 A.D.3d 1054 (4th Dept. 2004); *DiNatale v. State Farm Mut. Auto. Ins. Co.*, 5 A.D.3d 1123 (4th Dept. 2004); *Baehre v. Sagamore Resort Hotel, Inc.*, 4 A.D.3d 810 (4th Dept. 2004); *Cummings v. Riedy*, 4 A.D.3d 811 (4th Dept. 2004); *Isula v. Lineman*, 2 A.D.3d 1443 (4th Dept. 2003); *Ruddock v. Happell*, 307 A.D.2d 719 (4th Dept. 2003); *Mitchell v. Howe*, 303 A.D.2d 1001 (4th Dept. 2003); *Axberg v. Giancola*, 300 A.D.2d 1135 (4th Dept. 2002); *People v. Colon*, 61 A.D.3d 772, 876 N.Y.S.2d 525 (2nd Dept. 2009) *People v. Medulla*, 303 A.D.2d 767 (2nd Dept. 2003); *People v. Vilsaint*, 293 A.D.2d 555 (2nd Dept. 2002); *Larrea v. Bennett*, 368 F.3d 179 (2nd Cir. 2004); *U.S. v. Farrell*, 13 Fed. Appx. 46 (2nd Cir. 2001); *Lucidore v. New York State Division of Parole*, 209 F.3d 107 (2nd Cir. 2000); *Eustace v. S. Buffalo Mercy Hospital*, 36 Fed. Appx. 673 (2nd Cir. 2002); *Application of Edward Lilly*, Decision No.

15,050 (NYSED 2004); *Burke v. Hamilton Installers, Inc.*, 2004 WL 1946457 (W.D.N.Y. 2004).

7. I briefed the following appeals but my name was not included on the reported decision: *Concerned Citizens v. Town of Farmersville*, 221 A.D.2d (4th Dept. 1995) (law student; wrote about half of brief); *Herdman v. Town of Angelica*, 163 F.R.D. 180 (W.D.N.Y. 1995) (law student, wrote numerous memoranda for court including papers resulting in reported decision); *Williams v. White Haven Mem. Park, Inc.*, 227 A.D.2d 923 (4th Dept. 1996) (law student, wrote brief); *Matter of Obot*, 89 N.Y.2d 883 (1996) (law student, wrote brief); *Kiernan v. Kiernan*, 233 A.D.2d 867 (4th Dept. 1996) (pre-admission, wrote brief); *U.S. v. 500 Delaware St.*, 113 F.3d 310 (2nd Cir. 1997) (pre-admission, wrote brief); *Bryant v. Speckard*, 131 F.3d 1076 (2nd Cir. 1997) (pre-admission, wrote brief); *Obot v. NYS DOCS*, 256 A.D.2d 1089 (4th Dept. 1998) (brief); *D'Avolio v. Prado*, 277 A.D.2d 877 (4th Dept. 2000) (brief); *Scarozza v. Tudor Plaza, Inc.*, 306 A.D.2d 927 (4th Dept. 2003) (brief); *People v. Matthews*, 1 A.D.3d 530 (2nd Dept. 2003) (brief); *U.S. v. McKenzie*, 124 Fed. Appx. 691 (2nd Cir. 2005) (brief); *Scarozza v. Tudor Plaza, Inc.*, 26 A.D.3d 804 (4th Dept. 2006) (brief). I also prepared all the papers for this troika of cases in federal court: *Winkelman v. Parma City School Dist. Bd. of Educ.*, 2009 WL 4456297 (N.D. Ohio 2009); *Winkelman v. Parma City School Dist.*, 2009 WL 1444441 (N.D. Ohio 2009); *Winkelman v. Ohio Dept. of Educ.*, 616 F.Supp.2d 714, 245 Ed. Law Rep. 752 (N.D. Ohio 2008).

8. I have prepared the papers in the following State Review Officer decisions on behalf of the parents (SRO appeals are decided on the papers only without personal appearances): 06-010; 06-017; 06-023; 06-036; 06-044; 06-074; 06-080; 06-092; 06-098; 06-109; 07-002; 07-009; 07-028; 07-031; 07-047; 07-070; 07-122; 07-123; 07-139; 08-005; 08-008; 08-026; 08-074; 09-002; 09-022; 09-037; 09-072; 09-107; 09-113; 09-145; 10-033; 10-049; 10-072; 11-096; 11-161; 12-016. In addition, I have five pending SRO appeals that are overdue for a decision.

9. I have conducted multi-day IDEA impartial due process hearings in the Buffalo (multiple), Olean, Barker, Mexico, New York City (numerous), Clarkstown, Massapequa, Goshen, Southold

(multiple), Pittsford, and Depew school districts (all in New York State), and have settled numerous others without hearing.

10. I have also written the closing briefs for at least seventy IDEA impartial due process hearings since September, 2005.

11. My area of concentration is special education law.

12. I am requesting an hourly rate of \$ 475.00.

13. I maintain my time entries directly on the computer, and all entries into the computer file are made contemporaneously. I have reviewed the itemizations attached to the declaration of Andrew K. Cuddy and they are accurate descriptions of my time entries.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 1st day of March, 2013.

s/ Jason H. Sterne

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